

PATENT
Attorney Docket No. 492.216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Alan F. Savicki

Application No. 10/049,319

Filed: February 5, 2002

For: CLOSURE DEVICE

Art Unit: 3677

Examiner: J.R. Brittain

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AMENDMENT

OFFICIAL

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


In response to the Office Action mailed January 13, 2004, currently due May 13, 2004 pursuant to one-month petition for extension of time submitted herewith, please enter the following amendments and consider the following remarks.

AMENDMENTS IN THE CLAIMS begin on page 2 of this paper.

REMARKS begin on page 6 of this paper.

06/03/2004 HLRMMN 00000001 032270 10049319

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110.00 DN CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8			
I hereby certify that this Response to Office Action and all accompanying documents are, on the date indicated below, <input type="checkbox"/> being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or <input checked="" type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office, Attention: Examiner James R. Brittain, Art Unit 3677, Facsimile Number 703-872-9326.			
Name (Print/Type)	Toni Sampson		
Signature		Date	May 13, 2004

In re Appln. of Savicki, Alan F.
Application No. 10/049,319

manner that removes substantially all the material of the upper flanges above the closure elements, including both the upwardly extending first length portion and inwardly extending second length portion of the respective upper flange portions. As is seen in Figs. 7 and 11 of Stolmeier et al. '281, the separator has a wide point that extends well beyond the normal occluded position of the vertically upright length portions of the upper flanges. Thus, without the provision of the notch in both the vertically upwardly extending first length portion and inwardly extending second length portion of the respective upper flange portions, the separator would still act to deocclude the fastening strips.

Claims dependent upon a claim that is not anticipated by a reference cannot be rejected under 35 U.S.C. § 102(b) and claims dependent upon a claim that is not obvious cannot be rejected under 35 U.S.C. § 103. See, e.g., *RCA Corp. v. Applied Digital Data Systems*, 221 U.S.P.Q.2d 385 (Fed. Cir. 1984); *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Since none of the cited references render independent claim 1 anticipated or obvious, dependent claims 2-15 are likewise patentable.

Fee Authorization

Examiner is authorized to charge a one-month extension fee of \$110.00 to Deposit Account 032270. A duplicate of this paper is attached.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Finally, while no fees are due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 03 2270.

Respectfully submitted,

Date: May 13, 2004

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